

FEBRUARY 21, 2008MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONTRUSTEES OF THE CHICAGO REGIONAL COUNCIL)
OF CARPENTERS PENSION FUND, CHICAGO)
REGIONAL COUNCIL OF CARPENTERS WELFARE)
FUND, and CHICAGO REGIONAL COUNCIL OF)
CARPENTERS APPRENTICE AND TRAINEE)
PROGRAM FUND,

Plaintiffs,

v.

EXEL INTERIOR CONSTRUCTION, INC.,

Defendant.

CIVIL ACTION

08 C 1085

JUDGE

**JUDGE ST. EVE
MAGISTRATE JUDGE MASON****COMPLAINT**

Plaintiffs, TRUSTEES OF THE CHICAGO REGIONALCOUNCIL OF CARPENTERS PENSION FUND, et al., by their attorney, Raymond J. Sanguinetti of Whitfield, McGann & Ketterman, complain of the Defendants, and allege as follows:

1. This action arises under Section 502 of the Employee Retirement Income Security Act ("ERISA") (29 U.S.C. §§1132(a)(3)). Jurisdiction is founded on the existence of questions arising thereunder.

2. The CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, the CHICAGO REGIONAL COUNCIL OF CARPENTERS WELFARE FUND and the CHICAGO REGIONAL COUNCIL OF CARPENTERS APPRENTICE AND TRAINEE PROGRAM ("Trust Funds") receive contributions from numerous employers pursuant to Collective Bargaining Agreements between the employers and the CHICAGO REGIONAL COUNCIL OF CARPENTERS, successor of the CHICAGO & NORTHEAST ILLINOIS

REGIONAL COUNCIL OF CARPENTERS, ("Union"), and therefore, are multiemployer plans. (29 U.S.C. §1002). The Trust Funds are administered at 12 East Erie Street, Chicago, Illinois and venue is proper in the Northern District of Illinois.

3. The Defendant is an employer engaged in an industry affecting commerce which entered into an Agreement whereby it agreed to be bound by a Collective Bargaining Agreement and Trust Agreements whose terms require Defendants to pay fringe benefit contributions to the Trust Funds.

4. The Defendants must submit monthly reports listing the hours worked by its carpenter employees and to make concurrent payment of contributions to the Trust Funds for based upon the hours worked by its carpenter employees.

5. Pursuant to the provisions of the Trust Agreements and the Collective Bargaining Agreements, signatory employers are required to post either a cash bond or surety bond ("bond") to secure the payment of ERISA contributions to the Trust Funds. The amount of the bond is determined in accordance with Article XV of the Collective Bargaining Agreement.

6. The Defendant employs carpenters and is required to post a bond in the amount of \$20,000.00.

7. The Defendant breached the provisions of the Trust Agreements and the Collective Bargaining Agreement by failing to post the required bond despite numerous requests to do so.

8. Plaintiffs have complied with all conditions precedent in bringing this suit.

9. Plaintiffs have been required to employ the undersigned attorneys to force the Defendant to comply with the bonding provisions.

10. Defendant is obligated to pay the attorney and auditor fees and court costs incurred by the Plaintiffs pursuant to 29 U.S.C. §1132(g)(1).

WHEREFORE, Plaintiffs pray:

A. That a money judgment be entered against the Defendant, EXEL INTERIOR CONSTRUCTION, INC., in the amount of the required cash bond for \$20,000.00.

B. That the Defendant be ordered to pay the reasonable attorney's fees and costs incurred by the Plaintiffs pursuant to 29 U.S.C. §1132(g)(1).

C. That Plaintiffs have such other and further relief as by the Court may be deemed just and equitable all at the Defendant's cost pursuant to 29 U.S.C. §1132(g)(2)(E).

CHICAGO REGIONAL COUNCIL OF
CARPENTERS PENSION FUND, et al.,

S/ Raymond J. Sanguinetti

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